

## Locavores' and Shechutei Chutz

### The Halachah of Supporting Local Establishments

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Every year the esteemed Oxford dictionary chooses a 'word of the year'. They explain: "*Among their other activities, lexicographers at Oxford University Press track how the vocabulary of the English language is changing from year to year. Every year, a 'Word of the Year' is debated and chosen to reflect the ethos of the year and its lasting potential as a word of cultural significance.*"

In 2009 that word was 'Locavore'. This term was created to give a descriptive to those who make a commitment that all of their food, principally, comes from local farms and proprietors.

This has become a movement, for reasons of nutrition, community support, and the environment. But not everyone is on board. After countless books were published singing the gospel of 'locavoring', others were published, like 'The Locavore's Dilemma' that demonstrate that one may be causing more harm than good by becoming a Locavore.

In communities across the *frum veldt* we find this same debate taking place, in fact, this has been a perennial question for centuries: must a city or town be faithful only to their own establishments? And, if so, at what cost –both *halacikly* and fiscally?

An addendum to this question, which we will also explore, is what *halachik* efficacy there is to demanding the support of a Jewish-owned store over a non-Jewish chain-store (i.e. may one buy meat from Pathmark when a *heimeshe yid* has a butcher shop nearby).

Seeking to shake the bonds of communal responsibility, and the costs associated with that *achroyos*, is nothing new. In the late 1930's, in city of Brisk, government officials placed a tax on all *shochtim*. The purpose of this tax was to help pay for government monitors who would perform inspections for the sake of the public health. Some local *shochtim* wanted to avoid this payment, and so a black market was created. These *shochtim* would go to a hidden place in the outskirts of the city to perform *shechita* thereby avoiding paying the tax. The Brisker Rav was not happy about this development and felt that the *vaad ha'ir* could not give certification to such *shechita*, even if these were otherwise pious men whose actual *shechita* was to the highest standards. And so, he called a meeting in his house. For reasons that are too lengthy to go into here, the meeting was a disaster (see 'The Brisker Rav: Vo. 1', Feldheim [English] ed., p. 249 ff).

Not long after, the Brisker Rav's worst fears came true. After getting word of illegal slaughterhouses operating around the city, plain-clothed police officers surreptitiously went to investigate the matter. One *shochet* was so startled at the unaccepted visitor that when he quickly turned around –and still holding his *chalaf* (*shechitah* knife) in his hand –he accidentally stabbed the police officer, who soon died from his wounds!

Soon after a pogrom broke out across the city of Brisk; shuls, *chedarim*, *batei midrashim* were damaged, windows shattered, etc., causing many to flee the city (the Brisker Rav did not flee his city; see Shul Chronicles: 'Hurricanes, Halacha, and the Chasam Sofer' where the *halachos* of a *rav* fleeing his city is discussed).

During these dark days in Brisk the famed mother of the Beis Yaakov movement in America, Vichna Kaplan –then Vichna Eisan – famously helped save 5 Beis Yaakov girls trapped in the school.

It took some time for the city to return to normalcy and for peace and order to be re-established.

This is not to compare the above to patronizing stores outside one's city,

rather to show that even in the face of such severe consequences the Brisker Rav was not initially listened to and people sought to beat the city system.

To be sure, this issue is not as relatable as it once was. Today, cities are no longer unified under the rubric of certain *rebbanim* as they once were; kosher meat markets abound so that there is little control, and even little need, to support outside establishments.

Yet this is not true everywhere.

Where I live, Buffalo, New York, there is still but one *vaad hakashrus* and few meat options. It is for this reason that this particular issues matters, and why I seek to clarify it.

While I have vivid memories of coming to Buffalo as a child and going to the butcher here to get a delicious steak, years later, about a year before I came to town, the *vaad* had pulled their *hashgacha* on the one remaining certified butcher.

While there remains two delis, and a wide variety of frozen meats, this is just not the same.

I have always remained relatively tame regarding the need to support the local delis; I understood peoples' hesitation in purchasing pre-cut frozen meat and poultry when they could stock-up on fresh meat and poultry, cut to their specifications, when they are visiting family and friends out of town.

While never a fan of these monies leaving the city, I also understood that it would not be wise using my *kanois* (fanaticism) capitol -which is not a finite resource - on a losing battle.

Now things has changed. We recently announced kosher local butcher to work within one of the delis. Of course, those with *halachik* qualms with the *shechita* et al. should honor their *minhagim*, and what follows is not written for them.<sup>1</sup>

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<sup>1</sup> While all our meat is *glatt*, some desire, say, *chabad shechita*.

While great news for the city, it also created a dilemma for the *vaad* and myself: how far should a *vaad* go in insuring the delis success? What is the *vaad's* role? What is a rabbi's role? What is *halacha's* role? Most importantly, what is the role of the *bonei ha'ir* in supporting and maintaining the local kosher and *frum* establishments?

The term often used by *rabbanim* when decrying the lack of support for local kosher establishments –especially when it comes to meat – is ‘*shechutei chutz*’/’outside meats’; meaning any meat brought from outside the city is seen with, at best, a negative eye.

It is not so difficult to see the results of our actions, but it takes some imagination, even *lomdus*, to realize the heavy burden of our inactions, and *rabbanim* often point to this issue as a case-in-point.

A city relies heavily on its infrastructure to foster further growth. If these are not being supported then it becomes harder to advance even further. In addition, some do not have the luxury of being able to buy outside meat and they will suffer the most should a butcher close down due to a lack of support. Worst of all is the fear that those who would buy kosher meat (should there be a local store) would otherwise buy *treif*!

Interestingly, the term ‘*shechutei chutz*’ is found specifically by the laws of *korbonos*, and it is not found in reference to supporting local butchers –to my knowledge –anywhere in the classic codes. Rather, it would seem that this term is used in a colloquial sense. In that just like by a *korban*, where everything can be done in a ‘*kosher*’ and ‘*halachik*’ manner, and yet it still would be considered in major violation of law - simply by performing its major actions in the wrong place. *Rabbanim* seek to highlight that our tunnel-vision for doing everything in the right manner - to *shecht* with all the right *chumros* - causes us to ignore the question if this is the place to do it. The fact that the classic *shechutei chutz* also relates to meat made this a useful pun, although with a pointed edge to it.

The late 1700's are famous for being a time of strife between the *chassidim* and those against this new movement. This resulted in various *cheramim* (excommunications) being written, proclaimed, and promulgated.

Less known is the *cheremim* issued by the leaders of Frankfurt against the *tzadik* and sage –as well as prime *rebbe* of the Chasam Sofer –HaRav Nossan Adler.

One finds five main complaints leveled at him<sup>2</sup>. One of them is his ‘...*desire to disqualify the shoctim of Frankfurt on the Main*’, and, ‘*dividing the city into groups...eating only their own meat....thereby spreading false reports about their brethren by declaring our breads and our wine forbidden to eat...*’

While the *cheramim* were eventually removed before Rav Nosan Adler passed on, we see the sensitivity with which leadership has, in the past, taken this issue.

The *gemara* in Chagiga (22a) points out that although certain foods of an *am ha'aretz* (unknowledgeable Jew) are questionable, they are nevertheless allowed to bring their oil and wine, and vessels, to the *beis hamikdosh* when offering *korbonos*. R' Yose explains the purpose of this rule so as to protect the *klal* from in-fighting and disputes. Should we disallow or question what they bring to the *har habayis* these Jews may then go and create their own ‘*vaad*’, and erect unsanctioned *mizbeichos*, and even offer up their own *parah adumah*!

Imagine that! At least according to R' Yose, in the *beis hamikdosh*, on the *mizbeach*, we were so concerned with causing friction among *am yisroel* so as to allow questionable items!

Tosphos, and to a larger extent the Shvus Yaakov (2:56) derive from here that in a case of a minor *am ha'aretz* (meaning, there is no reason to believe that he violates most of *halacha* due to his ignorance) his testimony is relied upon (cf. Rambam hil. Eidus, and how the Shvus Yaakov seeks to explain

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<sup>2</sup> See the scholarly article by Rachel Alier p. 36. This Hebrew article can be found in full at <http://pluto.huji.ac.il/~mselio/adler.pdf>.

it).

The story behind this *teshuvah* of the Shvus Yaakov is quite interesting: there was a city where certain members were bringing in meat that the *rabbanim* feared did not meet (meat?) their standards. The *rabbanim* therefore issued a proclamation that not only deemed this out-of-town meat ‘*treif*’, but also proclaimed that the dishware that came into contact with such meat would also be seen as ‘non-*kosher*’.

To be clear, we are not talking about meat where there is known *halachik* concern and where such a proclamation would have been redundant, rather meat whose source was not approved or known by the town *rabbanim*.

The *shu't Shvus Yaakov* rules that these rabbis should not have proclaimed that such is deemed *treif*—and indeed we must assume that it is *kosher*, for to do otherwise will lead to strife, and would, anyway, be a decree that most people would not be able to abide by (in which case we do not ban the item).

He was not suggesting that one must eat such meat, and he does in fact recommend that the city should certainly seek to monitor all *shechita*, rather his point was that to call what is not from their city, or where its standards are simply not known, ‘*treif*’ was one step too far, and would only lead to *sinas chinum*.

What are we to take from this story and *teshuvah*? Well, to my ears, I would suggest the following:

Several years ago I was visiting another city for *shabbos* and by *shalosh seudos* I met a man who recently became *frum*. As he was telling me about his fascinating path to *yiddeshkeit* he informed me that the last thing he took on was *kashrus*. The reason he gave for this startled me. When he was still

not *shomer shabbos*, the *mashpia* he was working with let it be known that the *vaad* in that city was '*treif*'. Not yet *frum* –and although desiring to eat kosher –he did not, yet, find it within him to place orders to travelers for meat and prepared food, and so he ate *treif* for about three more years as he was slowly beginning to keep *shabbos* etc.

“But the food we are both eating from right now is under that same *vaad* that you were told was *treif*!” I wondered out loud.

He explained that as he became more entrenched in the *frum* world he became aware that this kosher agency has a fine reputation and the concern from his *mashpia* was regarding debates between respected and accepted *poskim* having to do with bugs in fish and women *mashgichos*.

This should always be on our mind. Our *chumros*, and even how we believe normative *halacha* should be should never lead to someone eating *treif*. This was precisely the *gemara's* concern. If one brings in meat from another city because they do not trust that city's meat or *vaad* (which –short of seeking to fix the *vaad* –would be their right and even obligation to do) , they should at the very least not do so publicly, unless, of course, they believe the meat in town is halachically *treif*. I stress that we are not discussing meat that is not certified by a reliable *posek*.

Another reason to do such personal shopping quietly –or with only like-minded people –is the fear that breaking the '*vaad* monopoly' can lead –and has led –to other denominations, and often less scholarly people, desiring to start their own kosher certification in town.

There have been other concerns relating to outside meat. Historically, there was a tax on most meat purchased in-town. This was so that those who can afford meat would help pay for other *frum* services provided by the community. This may also be one of the sources for the present-day anti

Semitic canard of the ‘kosher-tax’, a fiction that will be discussed in a future column.

Back then, it was seen as an egregious violation of communal living to seek to get around this tax by buying meat from either outside the city or by hiring a *shochet* to slaughter for you under the cover of darkness.

The *shu't Chasam Sofer* (*yoreh deah* #5) has a lengthy *teshuvah* regarding the ability of a *kehilla* –that has such a tax –to ban all outside meat, and if such a ban applies to even those who protest it right away or who were not there at the time of its proclamation.

Finally, there is the issue which comes up most often: what are the limits of supporting a local store if the price is too high, or if one get go to a chain store –not owned by a Jew –and purchase food there for much cheaper?

I am somewhat reticent to give too much information here –as these questions are complicated and need the counsel of one’s own *rav*- – rather the information provided should be seen as informative only.

Rashi in *parshas Behar* brings from the *midrash* Toras Kohanim that when the *pasuk* (Vayikra 25:14) states, “When you make a sale to another Jew, or make a purchase from another Jew...” it is informing us that one *must* seek to support his/her brethren above all other nations. Some suggest another, although tenuous, source. Further in that *perek* (25:35) the verse commands “*Ve’he’chasakta Bo*”, that we shall strengthen our impoverished brethren. The Rambam famously learns from here that the highest form of charity is supporting another Jew in business.

It may surprise the reader to learn that, whatever the source, neither the Rambam, the Tur, or the Shulchan Aruch mention overtly the obligation to support a Jewish store over a non-Jewish one.

Nevertheless, it is found in important *halachik* writings as a fait -accompli. For example, the Chofetz Chaim writes in his *Mishne Berrura* (*Shaar*

*HaTzion* , 648:75) that when large *esrog* distributors should choose wholesale *esrogim* from Jewish farmers/businessman of non-Jewish ones, so long as they are equal in price and quality (see also *shu't* Rama #10)

Dayan Weiss (Minchas Yitzchak 3:129) was asked specifically regarding a chain store that was competing with a Jewish-owned shop. For instance, would one be able to buy meat in Pathmark if it is cheaper than what is found by the *frum* butchers in town.

(It should be pointed out that many of the chain-stores give the *frum* managers of their departments a salary based on percentage of earnings, meaning that such a Pathmark would be seen as no different than a Jewish owned store –at least in regards to the concern we are presently discussing).

Although he *paskens* that one would not have to pay a much higher cost just to support a Jew, he does not give an exact system of measuring what that cost would be.

The Minchas Yitzchak adds that there are really two questions: 1) supporting a thriving Jewish store over a thriving non-Jewish store; 2) supporting a struggling Jewish store –or one that will close without more support –over a non-Jewish store.

The latter would be a whole different question, and would certainly fall under the rubric of ‘strengthening our impoverished brethren’, and one should seek to help him even if the price is relatively much higher.

In such a case, it would seem, that one could deduct whatever extra cost he is incurring from his *ma'aser* or *tzedaka* funds.

However, like the entirety of this week’s column, do not *pasken* from what is written here, rather speak to your own *rav*. *Klal Yisroel* is made up by *rachmanim*, and even without all of the above I am confident that most take much more than price and marbling when they choose where to shop.

